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October 17, 2009

The Honorable William P. Cervone, Esq., State Attorney
Eighth Judicial Circuit
120 West University Avenue
Gainesville, Fl. 32601

Re: Clovis Watson and Charles Grapski

Dear Bill:

Based upon information about improprieties in the management of the City of Alachua obtained by Charles Grapski, Michael Canney and others, Grapski and I requested both the FDLE and the Florida Retirement System to conduct investigations into Clovis Watson's claim of law enforcement special risk status in the Florida Retirement System while serving as Alachua City Manager. Watson had achieved this by falsely reporting to FRS and FDLE each year that he was employed by Alachua as a full time law enforcement officer. Watson also represented to your office that he was a law enforcement officer (Major Watson) during this period in connection with your office's failed prosecution of Grapski on Watson's meritless charges that Grapski had illegally recorded a conversation.

As a result of FDLE's investigation, FDLE directed Watson to separate himself from law enforcement status as long as he remained as Alachua's City Manager. As a result of its concurrent investigation, FRS found that Watson had been misreported in the special risk classification and reassigned him to the correct classification as of the date he became City Manager. Watson appealed the FRS decision to the Retirement Commission in the Department of Management Services. The Commission conducted a hearing on Watson's appeal and issued its written Final Order on October 13, 2009. A copy of the Final Order is attached. Watson has 30 days to seek review in the First District Court of Appeal. (I will provide you a copy of the hearing transcript, if you wish.)

As your review will prove, the Commission's Final Order ruled against Watson's appeal on every point. Although the Commission was not required to make a finding that Watson was intentionally attempting to defraud the FRS system, it barely stopped short of doing so. The Commission did reject every aspect of Watson's appeal as unfounded in law and fact. As to facts, its findings mirror Watson's own sworn testimony given on September 17, 2007 in case no. 01-07-CA-824 in the circuit court of the eighth judicial circuit. I also provide you pages 1,2, and 5-22 of that deposition. (I will provide a complete copy of the deposition at your request.) In this deposition, Watson testified:

1. That he became Alachua's interim City Manager in June 2002 (p. 6) and regular City Manager in August 2002 (p. 7).
2. That he has "not been employed by full-time law enforcement from the time I have been City Manager." (p. 12.)
3. That as City Manager it was his responsibility to provide accurate information about his status and wages to the FRS. (p. 15.)
4. That he knew Alachua continued to report to FDLE that he was a full time law enforcement officer. (p.p. 19, 20)
5. That the purpose of reporting him to FDLE as a full time law enforcement officer was to justify designating him as a special risk classification employee to FRS. (p.p. 20-21.)

The purpose of this letter is to request you to open an investigation of Watson and the City of Alachua concerning this affair. The evidence strongly suggests that Watson and Alachua made an attempt to defraud the FRS and Florida taxpayers of thousands of dollars. At the very least the evidence suggests that Watson violated §883.022 Fla. Stat. See *Wasserstrom v. State*, ___ So.2d ___ (Fla. 4th DCA 2009). This was foiled only by the efforts of Grapski, Michael Canney and a few other committed Alachua citizens. With these facts, aren't criminal charges against Watson and perhaps other Alachua officials in order?

Also, I invite you to review the time sequence of events. Grapski made his complaints to FDLE and FRS in spring 2007 and both FDLE and FRS quickly took action contrary to Watson's interests in summer 2007. Your current prosecution of Grapski arose from an arrest made at the Alachua Police Station in August 2007. Your evidence shows that Watson was directly involved in that arrest, having spoken to Chief Jernigan by telephone no less than twice while Grapski was attempting to lodge a complaint against Jernigan in the police station.

Your review of the DMS Final Order along with everything else should persuade you that the pending prosecution of Grapski, now set for trial in November, is simply a part - perhaps inadvertent on the part of your office -of Alachua's vendetta against Grapski. Grapski may be pushy and rude, but his only "crime" has been to attempt to reveal wrongdoing, perhaps even criminal wrongdoing, in the government and management of the City of Alachua. So in addition to asking you to investigate the apparent attempt to defraud FRS, I also request you to drop the pending prosecution against Grapski. At the very least, you should acknowledge that Grapski is no felon and that to try him on such a charge is an overkill.

Please contact me if you have questions or require other information that I may be able to supply.

Yours sincerely,

Joseph W. Little

Enclosures (2)
cc: Geoffrey Fleck, Esq.
Charles Grapski